

U.S. DISTRICT COURT
DISTRICT OF VERMONT

FILED

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BY
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The Honorable Judge J. Sarvan Mutha

Michael E. Nelson
Pro-Se/Pro-Per
4075 South Durango Road
Suite # 111-57
Las Vegas NV 89147
702-932-3434

US District of Vermont

Damian J. Renzello,

Plaintiff,

vs.

Michael Nelson,

Defendant

) Case No.: 1:05-cv-153

)

) MOTION to Request Court to Order

) Plaintiff to Properly Address

) Defendant in Communications through

) USPS - Without Insinuation of

) Threat(s)

)

)

)

MOTION to Request Court to Order Plaintiff to Properly Address Defendant inCommunications through USPS - Without Insinuation of Threat(s)

NOW COMES, Defendant, Michael Nelson, Pro Se, via this SPECIAL
APPEARANCE and does hereby file this MOTION to Request Court to Order
Plaintiff to Properly Address Defendant in Communications through USPS -
Without Insinuation of Threat(s).

WHEREAS, Plaintiff, Damian J. Renzello, has finally responded to Paper
22, Defendant's Motion to Dismiss, as the Plaintiff's allegation of Poverty
is UNTRUE, AND the Plaintiff has committed PERJURY, false swearing,
violations of the False Claims Act, actual and constructive fraud against the
Court, the American Tax Payer and the Defendant. The Plaintiff's dual
filing, papers 39 and 40, (actually the SAME Document) were sent to the
Defendant at the Defendant's address listed with the Court.

MOTION to Request Court to Order Plaintiff to Properly Address Defendant in

Communications through USPS - Without Insinuation of Threat(s) - 1

1 WHEREFORE, Plaintiff, Damian J. Renzello, in mailing papers 39 and 40
2 (SAME Document), one set received by the Defendant, in mailing of this
3 document Plaintiff, Damian J. Renzello, purposefully and maliciously with
4 intent to incite fear, confusion, and continue his tirade of making the
5 Defendant feel increased apprehension of immediate danger and imminent harm,
6 coupled with the Plaintiff's continued telephonic harassment and most
7 recently the Plaintiff's POSTINGS to INTERNET websites directed attacks on
8 the Defendant and his FAMILY.

9 Exhibit A, annexed hereto and incorporated herein by reference is a
10 true and correct photo-copy of the Priority Mail package sent to the
11 Defendant containing one copy of what the Court now calls, papers 39 and 40.
12 The Defendant draws attention to the Address Line regarding the Defendant
13 wherein the Plaintiff, Damian J. Renzello, writes: "Michael Nelson 'DB'".
14 Defendant submits he has NEVER gone by the name "DB", nor any other
15 abbreviation thereof.

16 Defendant submits to the Court the Plaintiff's purpose of the "DB"
17 following the Defendant's name on Exhibit A, annexed hereto and incorporated
18 herein is meant as a means of intimidation and the Defendant believes refers
19 to: DB = DEAD BOY or DEAD BROTHER. This type of purposeful and willful
20 intimidation on mailings sent to the Defendant MUST BE STOPPED via COURT
21 ORDER. The Defendant has not made or attempted to make threats to the
22 Plaintiff, whereas the Plaintiff, has and continues to unfairly, improperly
23 and most likely illegally influence the proceedings through a series of
24 insinuations and directed threats eluding to physical violence against the
25 Defendant, who has exposed the Plaintiff for his PERJURY and FRAUD against

MOTION to Request Court to Order Plaintiff to Properly Address Defendant in

1 the Court and the American Tax Payer including without limitation the
2 Defendant.

3 More recently on the 28th Day of January 2006, although, the Plaintiff
4 requests in papers 39 and 40, that the Court Order the Defendant barred from
5 speaking to the news media the Plaintiff has caused to be published on the
6 world wide web (Internet) a series of statements, some of which are aimed
7 directly at the FAMILY of the Defendant. These statements taken in their
8 totality indicate the Plaintiff means to disrupt the internal NON-relevant to
9 the Cause at hand communications of the, Nelson and Goodrich families, more
10 specifically the Plaintiff's communications via the Internet in website
11 postings appear to be aimed directly at the ONLY brother of the Defendant and
12 at four of the Defendant's cousins, in addition to directed statements aimed
13 at unfairly, improperly and illegally directing the Plaintiff's
14 uncontrollable anger and hostilities which have in the past resulted in acts
15 of physical violence by the Plaintiff and/or cohorts/associates in the employ
16 of the Plaintiff or his "brother" John Fiore.

17 Taken in their totality Exhibit A, the Plaintiff's superlative addition
18 to the address line of the USPS communications to the Defendant, and his more
19 recent public and purposeful disruption in the private family affairs of the
20 Defendant give rise for the Defendant to have increased apprehension of
21 imminent fear of physical violence to the person of the Defendant and more
22 real and SCARY to members of the Defendant's immediate and extended family.

23 WHEREFORE, the Defendant submits averment regarding Exhibit A, annexed
24 hereto and incorporated herein, together with information relating to
25 Plaintiff, Renzello's more recent, bizarre, highly unpredictable, and
certainly erratic behavior directing insinuations of threats via the Internet
MOTION to Request Court to Order Plaintiff to Properly Address Defendant in

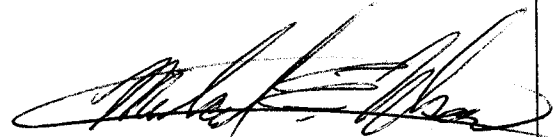
1 to the Defendant and his family members REQUIRES in the interests of Justice,
2 and prevention of obstruction of Justice, immediate exparte order of the
3 Court preventing the Plaintiff from unfairly, improperly and/or illegally
4 influencing the proceedings through the non-necessary inclusions of
5 statements aimed at the Defendant's family and ESPECIALLY statements and
6 insinuations sent through the United States Postal Mail System. These types
7 of direct and indirect threats and unfair and undue influence of legal
8 proceedings MUST be protected against through the use of Federal Laws which
9 govern postal mail sent from a US address to a US address domestically. The
10 Plaintiff's actions give rise to that of terrorist threats communicated
11 through the United States Postal System.

12 Defendant respectfully requests protection, although this court does
13 not maintain personal nor subject matter jurisdiction over the Defendant nor
14 the matter of complaint of the Plaintiff. The Defendant knows and
15 understands if the Court follows the RULES of the Court both FRCP and L.R.
16 this case will soon be dismissed; however, in the meantime while the
17 Defendant and Plaintiff await dismissal per the Defendant's paper 22; there
18 are additional opportunities for the Plaintiff, to intimidate the Defendant
19 and his family through the US MAIL. These opportunities and unfair influence
20 of the Defendant and third parties MUST be stopped forthwith in the interests
21 of JUSTICE and equality within the proceedings. This is a most interesting
22 and severe situation wherein the Court does not maintain jurisdiction in the
23 matter, and must as a matter of law dismiss the matter per paper 22, the
24 Opposition by the Plaintiff which admits to assertions of fact in paper 22
25 and the Reply Memorandum from the Defendant to the Opposition filed by the
Plaintiff regarding paper 22. To ultimately allow the Plaintiff's
MOTION to Request Court to Order Plaintiff to Properly Address Defendant in

1 continuation of unfairly, improperly and most illegally influencing the
2 proceedings through insinuations of threats in US postal mailings certainly
3 gives rise to obstruction of justice, and violations to other rights of the
4 Defendant. The Defendant has a right to fairness within the court and the
5 Defendant has a right to receive mailings MINUS insinuations and threats.
6 The Defendant respectfully prays for relief in this matter and prevention of
7 more unfair, improper and illegal; erratic and bizarre behavior of the
8 Plaintiff directed at the Defendant and his family.

9 Respectfully Submitted,

10 Dated this 2 day of Feb., 2006

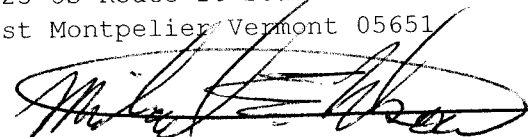
11
12
13 

14 4075 South Durango Road
15 Suite # 111-57
16 Las Vegas NV 89147
17 702-932-3434
18 Michael E. Nelson
19 Pro-Se/Pro-Per

20 CERTIFICATE OF SERVICE

21 I certify that a copy of the above and foregoing has this day, 2
22 of Feb, 2006, been forwarded to counsel of record by U.S. Mail,
23 postage prepaid, ie:

24 Damian J. Renzello
25 1325 US Route 14 South
East Montpelier Vermont 05651

26 
27 Signature of Defendant Michael E. Nelson, Pro-Per, Pro-Se

28 MOTION to Request Court to Order Plaintiff to Properly Address Defendant in

29 Communications through USPS - Without Insinuation of Threat(s) - 5

EXHIBIT

A

(USPS mailing to Defendant from Plaintiff...showing insinuation of threat)

Online - Go to www.usps.com/postageonline

SEAL FIRMLY

PLEASE PRESS FIRMLY

PLEASE PRESS

9263

89147

05641
JAN 20 2006
AMOUNT

\$4.05
00054295-00

**PRIORITY
MAIL**

UNITED STATES POSTAL SERVICE®

TO USE:

1. **COMPLETE ADDRESS AREA**
Type or print return address and addressee information in designated area or on label.

2. **PAYMENT METHOD**
Affix postage or meter strip to area indicated in upper right hand corner.

3. **ATTACH LABEL (Optional)**
Remove label backing and affix in designated location.

4. **Bring your Priority Mail package to a post office, present it to your letter carrier, or call 1-800-222-1811 for pick up service.**
Stamped mail may be deposited in a collection box **ONLY** if it weighs less than 16 ounces.

www.usps.com



www.usps.com

From: **DAMIAN RENZELLO**
1325 VT RTE 14
E. Montpelier, VT 05651

TO: Michael Nelson "DB"
4075 So Durango Rd. Suite 111-57
Las Vegas, NV 89147.

Label 228 June 2004

▲ Complete address information or place label here ▲

The convenient Flat Rate Envelope.

One low price for fast delivery anywhere in the U.S., regardless of weight, destination or type of mailable material enclosed. Domestic use only.

Exhibit "A"